



**Republic v Keino (Criminal Case E171 of 2024)  
[2025] KEHC 7010 (KLR) (27 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 7010 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
CRIMINAL CASE E171 OF 2024**

**JK SERGON, J**

**MAY 27, 2025**

**ORIGINALLY CRIMINAL CASE NO. E2147 OF 2023 AT KERICHO**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**VICTOR KIPYEGON KEINO ..... RESPONDENT**

**RULING**

1. The Deputy Registrar of this Court placed the file relating to Kericho C.M.C.CR.C No.E.2147 of 2023 Republic -vs- Victor Kipyegon Keino for perusal under Section 362 and 364 of the [Criminal Procedure Code](#).
2. Under aforesaid provision, this Court is required to examine any Criminal Proceedings before any Subordinate Court for purposes of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed and as to the regularity of any proceedings of such Subordinate Court.
3. This Court has proceeded to examine the record and its apparent that Victor Kipyegon Keino hereinafter referred to as the Applicant was tried and convicted for the offence of Assault Causing Actual Bodily Harm Contrary to Section 251 of the [Penal Code](#) in Count 1 and in Count II, he faced a charge of Malicious Damage to property Contrary to Section 339 (1) of the [Penal Code](#).
4. The Applicant was in the end convicted and sentenced to a fine of Kshs.30,000/= in default to serve one (1) year imprisonment in Count I and in Count II to pay a fine of Kshs.5,000/= in default to serve two (2) months imprisonment.
5. The record shows that the Applicant was a first offender. This Court is of the view that the appropriate default sentence should be seven (7) months in the circumstances.



6. It is therefore clear that this Court is entitled to interfere with the default sentence in exercise of its supervisory power of revision.
7. Consequently, the default sentence of 12 months imprisonment in Court I is set aside and is substituted with an order directing that the default sentence be seven (7) months. The default sentence to run from the date of sentence i.e. from 9<sup>th</sup> September, 2024. The applicant has so far served 8 months in prison out of the 12 months of the default sentence pronounced by the Trial Magistrate.
8. It is clear that the Applicant has therefore served the new default sentence of seven (7) months in full. The Applicant namely: Victor Kipyegon Keino should be set free from custody unless lawfully held.

**DATED, SIGNED AND DELIVERED AT KERICHO THIS 27<sup>TH</sup> DAY OF MAY 2025**

**J.K. SERGON**

**JUDGE**

